

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, APRIL 13th, 2005
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: NONE

Also in attendance: Lawrence W. Dloski, Township Attorney
James R. Gelios, Deputy Clerk
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Township Engineer of Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (*With any corrections*)

MOTION by DUNN seconded by BUCCI to approve the amended agenda as discussed.

MOTION carried.

3. Approval of the Bill Runs

MOTION by KRZEMINSKI seconded by NEVERS to approve both bill runs as submitted.

MOTION carried.

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4. Approval of the March 23, 2005 previous Meeting Minutes

MOTION by BUCCI seconded by MALBURG to approve the March 23, 2005 meeting minutes.

MOTION carried.

CONSENT AGENDA ITEMS:

5. **Clerks Department:**

- A. **Landscape Bond Return; The Rivers Estates Subdivision No. 1;** Sal-Mar Companies, Petitioner. Permanent Parcel No. 08-23-100-011
- B. **Monument & Irons Bond Return; The Rivers Estates Subdivision No. 1;** Pete Mannicia, Petitioner. Permanent Parcel No. 08-23-100-011
- C. **Wall Sign Bond Return; Damman Ace;** Huron Sign Company, Petitioner. Permanent Parcel No. 08-17-476-005

MOTION by DUNN seconded by NEVERS to approve the consent agenda items as submitted.

MOTION carried.

PUBLIC COMMENTS: (Non Agenda items - 3 minute time limit)

Public Portion: Township residents addressed their concerns regarding Township funding, the growth of personnel, the lack of discussions held during Board meetings and the procedures involved with developing a subdivision landscape berm.

PLANNING COMMISSION:

6. **Final TND Review; Pheasant Run Subdivision (Phase I);** Located in the Town Center on the south side of 25 Mile Road ¼ mile east of Luchtman Road. 25 Romeo Plank LLC, Petitioner. Permanent Parcel No. 08-09-100-009

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation to approve the matter pursuant to fulfilling the standard conditions as related to this request.

Petitioner Present: Craig Duckwitz of Anderson Eckstein & Westrick

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Public Portion: None

MOTION by KOEHS seconded by BUCCI to approve the Final TND Review; Pheasant Run Subdivision (Phase I); Permanent Parcel No. 08-09-100-009 pursuant to final master deed approval, incorporating the TND notice in the master deed, that a bond in the amount of Two Hundred Fifty Thousand dollars and 00/100 (\$250,000.00) be provided to the satisfaction of the Township Engineers for the construction of the roads for phase II of this development, related documents for utility and road easements be submitted prior to processing a permit application. This motion is based on fulfilling the standard conditions of the Planning Consultants as related to this request.

MOTION carried.

7. **Tentative Preliminary Plat; River Pointe Subdivision;** Located on the north side of 25 Mile Road and approximately 1,500 feet east of Hayes Road; Andrew Eskelinen, Petitioner. Permanent Parcel No. 08-06-300-030.

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation for approval pursuant to fulfilling the standard conditions as they relate to this request.

Petitioner Present: Andrew Eskelinen

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the Tentative Preliminary Plat; River Pointe Subdivision; conditioned on structure(s) removal from lot 32 and that the issues be resolved involving lot 33. Permanent Parcel No. 08-06-300-030. This motion is based on fulfilling the standard conditions of the Planning Consultants as related to this request.

MOTION carried.

8. **Preliminary Site Condominium Plan; Becher Estates;** Located on the north side of Marseilles Drive, 1/3 mile north of 22 Mile Road. Marseilles Development, LLC. Permanent Parcel No. 08-21-376-001 & 08-21-326-001

Jerome R. Schmeiser, Community Planning Consultant, described the location of the proposal, adjacent property zones and the recommendation for approval pursuant to fulfilling the standard conditions as related to this request.

Petitioner Present: Jeff Rizzo

Public Portion: None

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MOTION by DUNN seconded by MALBURG to approve the Preliminary Site Condominium Plan; Becher Estates; Permanent Parcel No. 08-21-376-001 & 08-21-326-001. This motion is based on fulfilling the standard conditions of the Planning Consultants as related to this request.

MOTION carried.

9. **Land Division Variance; Strathmore Condominiums Phase I;** Located on the south side of 26 Mile Road approximately 1050 feet east of Luchtman Road. Pulte Homes, Petitioner. Permanent Parcel No. 08-04-100-029

John D. Brennan, Township Supervisor, reviewed the proposal and discussed the Townships policies pertaining to model permits. The proposal has not demonstrated any reasons for deviation from Township policies and unique circumstances do not exist.

Jerome R. Schmeiser, Community Planning Consultant, agreed with the Supervisor's comments.

Petitioner Present: Kevin Christiansen requested that the matter be considered for approval based on Planning Commissions recommendations. The request for a variance for the development of the landscape easements was withdrawn by the petitioner.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to deny the Land Division Variance; Strathmore Condominiums Phase I, specifically finding that the proposal has not demonstrated any reasons to deviate from Township policies. Further, the proposal has not justified any unique circumstances exist. Permanent Parcel No. 08-04-100-029

**FOR THIS MOTION: KRZEMINSKI, BUCCI, NEVERS, DUNN,
MALBURG, KOEHS, BRENNAN.**

OPPOSED: NONE

ASBSENT: NONE

MOTION carried.

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NEW BUSINESS:

10. Allocation of Fiscal Year 2005 Community Development Block Grant Program Funds

Trustee DUNN reviewed the allocations for disbursement of the fiscal year 2005 Community Development Block Grant Program Funds.

MOTION by DUNN seconded by KRZEMINSKI to approve the allocations for the Fiscal Year 2005 Community Development Block Grant Program Funds as follows:

COMMUNITY DEVELOPMENT BLOCK GRANTS 2005

2005 Available Public Service Funds: \$6,614.20

<u>Public Service Project</u>	<u>Amount Allocated</u>
- MCCSA – Chores Services (2005)	\$3,307.00
Additional funds reprogrammed from smoke detectors	\$500.00
- St. Vincent DePaul (2005)	\$3,307.20
Additional funds reprogrammed from smoke detectors	\$500.00

Total:	\$7,614.20

2005 Available Brick and Mortar Construction Projects Funds: \$59, 527.80

<u>Brick and Mortar Construction Projects</u>	<u>Amount Allocated</u>
- Solid Ground (2005)	\$4,000.00
- Save Our Depot, Inc. (2005)	\$5,000.00
- Senior Center Remodeling (Reprogrammed from 2004)	\$32,848.84
- Senior Center Project (2005)	\$50,527.80
- Senior Center Remodeling (Reprogrammed from 2004)	\$86,700.00
- Senior Center Reconstruction (Reprogrammed from 2004)	\$58,850.00
- Macomb Township School House (Reprogrammed)	\$71,400.00

Total:	\$309,326.64

- *Senior Center remodeling/reconstruction projects and Schoolhouse Renovation will be reprogrammed and consolidated into a new senior center project. 2005 brick and mortar allocation of Fifty Thousand Five Hundred Twenty Seven dollars and 80/100 (\$50,527.80) will be directed to the new senior center project.*

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**FOR THIS MOTION: DUNN, KRZEMINSKI, NEVERS, BUCCI,
MALBURG, KOEHS, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

11. **Bid Award; Lakeside Landings Subdivision;** Located 250' west of Garfield Road and north of Eastview Drive. Section 31.

James Van Tiflin, Township Engineer, reviewed the request and recommended to award the bid to Toms Landscaping.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to follow the Township Engineer's recommendation and award the contract to Tom's Landscaping for the completion of Lakeside Landings Subdivision landscape berm Section 31 for the total cost of Fifteen Thousand Nine Hundred dollars and 00/100 (\$15,900.00).

MOTION carried.

12. **Liquor License Transfer; Shields Pizza;** Located at the southeast corner of 23 Mile and Romeo Plank Roads. 23 RP Investments LLC, Petitioner. Permanent Parcel No. 08-20-200-046

John D. Brennan, Township Supervisor, reviewed the proposal.

Petitioner(s) Present: Tony DiGirolamo, Mike DiGirolamo, Eric Spencer and Daniel Stross

MOTION by KRZEMINSKI seconded by BUCCI to approve the Liquor License Transfer; Shields Pizza from 23 RP Investments, L.L.C. to transfer ownership of 2004 Class C license business, located in escrow at 33970-33980 Twenty Three Mile, Chesterfield, MI 48051, Chesterfield Township, Macomb County, from Montes Enterprises, Inc; and transfer location (governmental unit) MCL 436.153 (1) to 50750 Romeo Plank, Macomb, MI. This motion is subject to clarification regarding the required individuals that must sign the agreements. The proprietors must provide proof that they are in fact authorized to sign executed agreements. Additionally we will require a resolution from the proprietors once the final certificate of occupancy has successfully been completed and the building has

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complied with the requirements of the Township ordinances. Permanent Parcel No. 08-20-200-046

FOR THIS MOTION: KRZEMINSKI, BUCCI, DUNN, KOEHS, MALBURG, NEVERS, BRENNAN

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

13. **Liquor License Transfer; El Charro Restaurant;** Located on the northwest corner of 21 Mile Road and Card Roads. 4MC3 Enterprises, Petitioner. Permanent Parcel No. 08-27-476-002

Supervisor BRENNAN reviewed the proposal.

Petitioner Present: Ed Martin

MOTION by KOEHS seconded by NEVERS to approve the Liquor License Transfer; El Charro Restaurant from 4Mc3 Enterprises, Inc. to transfer ownership of 2004 Class C licensed business, located in escrow at 44757 Schoenherr, Sterling Heights, MI 48313, Macomb County, from Kosch's #2-Sterling Heights, Inc.; and transfer location (Government Unit) MCL 436.1531 (1) to 21519 21 Mile Road, Macomb, MI 48044, Macomb Township, Macomb County; Permanent Parcel No. 08-27-476-002

FOR THIS MOTION: KOEHS, NEVERS, BUCCI, DUNN, KRZEMINSKI, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

14. **Building Authority Bond Refunds; Series 2005:**

- A. Refunding Contract between the Authority and the Township
- B. Resolution Approving Building Authority Refunding and the Contract to be adopted by the Township Board.

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Dennis R. Neiman, Esq. on behalf of Miller, Canfield, Paddock, and Stone P.L.C.
reviewed the requests.

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the refunding contract between the Authority and the Township and approve the resolution approving the Building Authority refunding and contract to be adopted by the Township Board as follows:

**FOR THIS MOTION: DUNN, NEVERS, KRZEMINSKI, BUCCI,
MALBURG, KOEHS, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

**RESOLUTION APPROVING
BUILDING AUTHORITY REFUNDING AND CONTRACT**

**TOWNSHIP OF MACOMB
COUNTY OF MACOMB, MICHIGAN**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in said Township on the 13th day of April, 2005, at 7:00 o'clock p.m. Eastern Daylight Time.

PRESENT: Members: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci Jr., Roger Krzeminski and Nancy Nevers

ABSENT: Members: None

The following preamble and resolution was offered by Member DUNN and supported by Member NEVERS:

WHEREAS, the Commission of the Macomb Township Building Authority (the "Authority") has undertaken proceedings to refund a portion of the Authority's 2001 Building Authority Recreation and Refunding Bonds, dated June 1, 2001 and the Authority's Building Authority Bonds, Series 2002, dated February 1, 2002; and

WHEREAS, such refunding will result in lower costs to the Township of Macomb (the "Township") for the use of facilities leased to the Township; and

WHEREAS, a refunding contract between the Township and the Authority (the "Refunding Contract") has been prepared respecting said refunding; and

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WHEREAS, it is necessary that the Township undertake and make certain covenants and representations respecting the Authority's proposed refunding bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Authority's refunding bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the "Code") including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds, and to prevent the Authority's refunding bonds from being or becoming "private activity bonds" as that term is used in Section 141 of the Code.**
- 2. The Township hereby authorizes the Authority to prepare and circulate a preliminary and final official statement in connection with the refunding bonds and, if applicable, further authorizes the Supervisor, Clerk or Treasurer to execute such official statements on behalf of the Township.**
- 3. Any officers of the Township, including, but not limited to the Supervisor, Clerk, or Treasurer are hereby authorized to execute any certificates on behalf of the Township necessary for the issuance of such refunding bonds.**
- 4. The Township hereby covenants to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule") and shall enter into an undertaking for the benefit of the holders and beneficial owners of the Authority's refunding bonds (the "Undertaking"). In connection therewith, the Township hereby appoints the Supervisor as its "Disclosure Representative" in accordance with the Rule. The Supervisor is hereby authorized to execute and deliver the Undertaking after completion and modification upon the advice and recommendations of bond counsel.**
- 5. The Refunding Contract shall be dated such date as may be appropriate and the same in substantially the form attached hereto as Exhibit A, is hereby approved. The Supervisor and Clerk be and are hereby directed to execute and deliver said contract on behalf of the Township.**
- 6. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this Resolution be and the same hereby are rescinded.**

AYES: Members: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci Jr., Roger Krzeminski and Nancy Nevers

NAYS: Members: None

**Michael D. Koehs, CMC
Clerk, Township of Macomb**

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I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, Michigan, at a regular meeting held on April 13, 2005, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Michael D. Koehs, CMC
Clerk, Township of Macomb

EXHIBIT A
REFUNDING CONTRACT

THIS CONTRACT, made and entered into as of the 13th day of April, 2005, by and among the MACOMB TOWNSHIP BUILDING AUTHORITY, a public corporation organized and existing under the authority of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (the "Act") (the "Authority"), and the provisions of Act 34, Public Acts of Michigan, 2001, as amended, ("Act 34") and the Act (collectively, the "Acts"), and the TOWNSHIP OF MACOMB, County of Macomb, a Michigan municipal corporation organized and existing under the Constitution and laws of the State of Michigan (the "Township").

WITNESSETH:

WHEREAS, the Authority has been incorporated under and in pursuance of the provisions of the Act for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining a building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefore, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the Township; and

WHEREAS, the Township and the Authority have entered into Limited Tax Full Faith and Credit General Obligation Contract, dated February 28, 2001 and an Amended and Restated Limited Tax Full Faith and Credit General Obligation Contract, dated November 28, 2001 (together, the "Contracts") wherein the Authority agreed to acquire public facilities and lease said facilities to the Township; and

WHEREAS, bonds have been issued by the Authority pursuant to the Contracts, designated 2001 Building Authority Recreation and Refunding Bonds, dated June 1,

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2001 and Building Authority Bonds, Series 2002, dated February 1, 2002 (together, the “Prior Bonds”); and

WHEREAS, the Authority and the Township have been advised that conditions in the bond market have now improved to the point that all or a portion of the Prior Bonds could be refunded at a considerable savings; and

WHEREAS, it is the determination and judgment of the Authority and the Township that all or a portion of the Prior Bonds should be refunded (the “Refunding”) to secure for the Township the interest savings anticipated and thereby permit the operation of the financed facilities in a more economical fashion for the benefit of the users of the facilities and the taxpayers of the Township; and

WHEREAS, the execution of this contract (the “Refunding Contract”) is necessary in order to implement a refunding program;

NOW, THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The Authority and the Township hereby approve and confirm the Refunding under the provisions of the Acts in the manner provided by and pursuant to this Refunding Contract.

2. The Authority will issue a single series of refunding bonds (the “Refunding Bonds”) in a total principal amount not to exceed \$9,900,000 in order to pay all or part of the costs of the Refunding. All costs of the Refunding and of issuing the Refunding Bonds, including, but not limited to, payment of the principal of and interest on the Prior Bonds, call premium, underwriting discount, bond and other printing, administrative, legal and financial advisory expenses, credit enhancement costs, rating fees, trustee and paying agent/registrar fees and all related expenses shall be paid from the proceeds of sale of the Refunding Bonds or from cash amounts to be made available by the Township to pay such costs.

3. To carry out and accomplish the Refunding in accordance with the provisions of Michigan law, the Authority shall take the following steps:

(a) The Authority will adopt a resolution providing for the issuance of the Refunding Bonds in an aggregate principal amount not to exceed \$9,900,000 (the “Refunding Bond Resolution”), such resolution to be substantially in the form attached hereto and based upon the Authority’s analysis of the financial benefits of the Refunding. The Refunding Bonds shall mature serially or be subject to mandatory sinking fund redemption, as authorized by law, and will be issued in anticipation of the debt service installment payments required to be made by the Township as provided in the Contracts and as hereinafter provided in this Refunding Contract and will be secured

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primarily by the contractual obligations of the Township to pay said installments when due, including interest. After due adoption of the Refunding Bond Resolution, the Authority will take all legal procedures and steps necessary to effectuate the sale and delivery of the Refunding Bonds.

(b) The Authority, upon receipt of proceeds of sale of the Refunding Bonds, will comply with all provisions and requirements of law, the Refunding Bond Resolution and this Refunding Contract relative to the disposition and use of the proceeds of sale thereof.

(c) The Authority shall not make any investments or take any other actions which would cause the Refunding Bonds herein authorized to be constituted as arbitrage bonds pursuant to any applicable federal statutes or regulations.

(d) The Authority shall take all steps necessary to refund the Prior Bonds as aforesaid on April 1, 2011.

4. The full principal amount of the Refunding Bonds shall be charged to and paid by the Township to the Authority in annual principal installments, together with interest and other expenses as herein provided. It is understood and agreed that the Refunding Bonds of the Authority will be issued in anticipation of such payments by the Township.

It is agreed that the Township shall pay to the Authority, at least one business day prior to the annual maturity or mandatory redemption date of principal amounts of the Refunding Bonds, such principal amount, and in addition, at least one business day prior to each interest payment date on the Refunding Bonds, as accrued interest on the principal installments remaining unpaid, an amount sufficient to pay all interest due on the next succeeding interest payment date. From time to time as the Authority is billed by the registrar/transfer/paying agent for the Refunding Bonds for their services, and as other costs and expenses accrue to the Authority from handling of the payments made by the Township or from other action taken in connection with the Refunding Bonds, the Authority shall notify the Township of the amount of such fees, costs and expenses, and the Township shall, within thirty (30) days from such notification, remit to the Authority sufficient funds to pay such amounts.

The Authority shall, within thirty (30) days after the delivery of the Refunding Bonds, furnish the Township with a complete schedule of said installments and the interest thereon and due dates and shall also, at least thirty (30) days prior to each due date, advise the Township, in writing, of the exact amount due on the next due date. The failure to give such notice shall not, however, excuse the Township from making required payments when due under the provisions hereof.

5. The Township, pursuant to Section 8a of the Act and to Act 34, hereby irrevocably pledges its full faith and credit for the prompt and timely payment of its

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obligations pledged for payment of the Refunding Bonds as expressed in this Refunding Contract. Pursuant to such pledge, if other funds are not available, the Township shall be required to pay such amounts from any of its general funds as a first budget obligation and shall each year levy an ad valorem tax on all the taxable property in the Township in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay such obligations under this Refunding Contract becoming due before the time of the following year's tax collections, such annual levy shall however be subject to applicable constitutional and statutory tax rate limitations. Commitments of the Township are expressly recognized as being for the purpose of providing funds to meet the respective contractual obligations of the Township in anticipation of which the Refunding Bonds are issued. Nothing herein contained shall be construed to prevent the Township from using any, or any combination of, the means and methods provided in Section 8a of the Act for the purpose of providing funds to meet its obligations under this Refunding Contract, and if at the time of making the annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligations due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

6. Additional moneys over and above any of the payments specified in this Refunding Contract may be prepaid as provided in this Refunding Contract.

7. All provisions of the Contracts not inconsistent herewith, and particularly all covenants relative to the payment of and security for the Prior Bonds made by the Township therein, shall remain in full force and effect and shall apply with equal effect to the Refunding Bonds authorized hereby, it being understood that upon issuance of the Refunding Bonds, all or any portion of the Prior Bonds refunded will be defeased and the Refunding Bonds shall be substituted therefore and shall be outstanding in their place and stead.

8. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of the Act.

9. The obligations and undertakings of each of the parties to this Refunding Contract shall be conditioned upon the successful accomplishment of the proposed Refunding, and therefore if for any reason whatsoever the Refunding Bonds are not issued, then this Refunding Contract shall be considered void and of no force and effect; provided, however, that in such event, all costs and expenses shall be paid by the Township in accordance with existing commitments to the Authority, and the Authority shall not be obligated for such costs and expenses.

10. The Authority and the Township each recognize that the holders from time to time of the Refunding Bonds will have contractual rights in this Refunding Contract, and it is therefore covenanted and agreed by each of them that so long as

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any of the Refunding Bonds shall remain outstanding and unpaid, the provisions of this Refunding Contract shall not be subject to any alteration or revision which would in any manner materially affect either the security of the Refunding Bonds or the prompt payment of principal of or interest thereon. The Township and the Authority further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Refunding Contract promptly at all times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the Refunding Bonds, the security therefore, or the prompt payment of principal of and interest thereon. It is hereby declared that the terms of this Refunding Contract insofar as they pertain to the security of the Refunding Bonds shall be deemed to be for the benefit of the holders of said Refunding Bonds.

11. This Refunding Contract shall remain in full force and effect for a period of forty (40) years from the date hereof, or until such lesser time as the Refunding Bonds issued by the Authority are paid, at which time this Refunding Contract shall be terminated, and the provisions of the Contracts relative to disposition of the financed facilities shall be carried out. In any event, the obligations of the Township to make the payments required hereunder shall be terminated at such time as all of the Refunding Bonds are paid in full by the Township, together with all interest and penalties and other obligations hereunder.

12. This Refunding Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

13. The Township and the Authority each designate the Refunding Bonds as "qualified tax exempt obligations" for purpose of the deduction of interest expense by financial institutions pursuant to the Internal Revenue Code of 1986, as amended.

IN WITNESS WHEREOF, the MACOMB TOWNSHIP BUILDING AUTHORITY, by its Commission, and the TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN, by its Township Board, have each caused its name to be signed to this instrument by its duly authorized officers and its seal to be affixed hereto the day and year first above written.

In the presence of:

MACOMB TOWNSHIP BUILDING AUTHORITY

_____	By: _____
	Chairman
_____	By: _____
	Secretary

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(Seal)

TOWNSHIP OF MACOMB

By: _____

Supervisor

By: _____

Clerk

(Seal)

STATE OF MICHIGAN)

: ss.

COUNTY OF MACOMB)

On this ____ day of April, 2005, before me appeared _____
and _____, to me personally known, who, being by me duly
sworn, did, each for himself or herself, say that they are respectively the Chairman
and Secretary of the Commission of the MACOMB TOWNSHIP BUILDING
AUTHORITY, a public corporation of the State of Michigan, and that said
instrument was signed and sealed on behalf of said Authority by authority of its
Commission, and the said persons acknowledged said instrument to be the free act
and deed of said Authority.

Notary Public, Macomb County, MI

My Commission Expires: _____

STATE OF MICHIGAN)

: ss.

COUNTY OF MACOMB)

On this ____ day of April, 2005, before me appeared _____ and
_____, to me personally known, who, being by me duly sworn, did,
each for himself or herself, say that they are respectively the Supervisor and Clerk
of the TOWNSHIP OF MACOMB, County of Macomb, Michigan, a municipal
corporation in the State of Michigan, and that said instrument was signed and
sealed on behalf of the said Township by authority of its Township Board and the

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said persons acknowledged said instrument to be the free act and deed of said Township.

Notary Public, Macomb County, MI
My Commission Expires: _____

RESOLUTION(S) DECLARED ADOPTED.

HUMAN RESOURCE DEPARTMENT:

15. Request to Recruit Full-time Firefighter Personnel

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to approve the new collective bargaining agreement with MAFF covering our full-time Fire Fighters. The contract establishes the position of Sergeant and Lieutenant with the respective work rules, wages and benefits.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the recruitment process for one Lieutenant and four Sergeant Positions as established in the collective bargaining agreement with MAFF covering our full-time fire fighters.

MOTION carried.

16. Semi-Annual Cleaning of the Town Hall Building

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by NEVERS to approve the semi-annual cleaning of the Township Hall Building through Modernistic Cleaning Services, Inc. for the total cost of Seventeen Thousand Eighty Nine dollars and 21/100 (\$17,089.21). Modernistic will be scheduled for cleaning May 14, 2005 and November 4, 2005.

MOTION carried.

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17. Request to Attend Worker's Compensation Seminar

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KRZEMINSKI to approve the request to have Patricia Hamel, Human Resources Specialist – Benefit Administration, attend the special seminar entitled "The Maze of Worker's Compensation" on May 19, 2005 in Dearborn, MI. The total cost of this one day seminar is Three Hundred Ninety Five dollars and 00/100 (\$395.00), plus mileage pursuant to the Township policy.

MOTION carried.

18. Request to Attend ASE Public Training Courses

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by NEVERS to approve the request for Nicole Lawson, Human Resources Department Secretary, to attend Essentials for the New HR Professional I and Essentials for New HR Professionals II sponsored by American Society of Employers (ASE) on June 8, 2005 and July 6, 2005. The courses are held in Southfield, Michigan and are four (4) hours in length. The price of each program is One Hundred Fifty Four dollars and 00/100 (\$154.00). However since Macomb Township is a member of the American Society of Employers (ASE), we are eligible for a discount price of One Hundred Nine dollars and 00/100 (\$109.00). Therefore the total cost of the programs would be Two Hundred Eighteen dollars and 00/100 (\$218.00) plus meals and mileage pursuant to the Township policy.

MOTION carried.

PARKS & RECREATION DEPARTMENT:

19. Request to Run Spring/Summer 2005 Programs

Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

Public Portion: None

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MOTION by KRZEMINSKI seconded by NEVERS to approve the request to run the spring/summer 2005 programs for the total cost not to exceed Fifty Thousand dollars and 00/100 (\$50,000.00).

MOTION carried.

20. Request Approval to Print and Mail the Spring/Summer 2005 Edition Brochure.

Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to approve the Spring/Summer 2005 Edition Brochure and authorize Mith Creative Services to typeset the brochure for the total cost of Nine Hundred dollars and 00/100 (\$900.00) and to authorize Litho Printing to print 27,500 brochures for the total cost of Six Thousand Four Hundred Ninety dollars and 00/100 (\$6,490.00) and mail the brochures through the U.S. Postal Service for the total cost of Three Thousand One Hundred Eighty Nine dollars and 76/100 (\$3,189.76).

MOTION carried

21. Vehicle Purchase Request

Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request to purchase two (2) 2005 Ford F-250 4x4 Pick up Truck for the total cost of Fifteen Thousand Six Hundred Eighty Four dollars and 00/100 (\$15,684.00) per vehicle through Signature Ford.

MOTION carried.

22. Request to Dissolve the Parks & Recreation Board

Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to dissolve the Parks & Recreation Board.

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MOTION carried.

WATER & SEWER DEPARTMENT:

23. Pay Certificate # 1, Crittenden Drain Clean-Out, Giannetti Contracting Corp., MA01-014.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by MALBURG to approve Pay Certificate #1, Crittenden Drain Clean-Out, Giannetti Contracting Corp., MA01-014 for the total cost of Thirty Six Thousand One Hundred Ten dollars and 0/100 (\$36,110.00).

MOTION carried.

24. Award of Contract, 23 Mile Road Sanitary Sewer (North Ave. west 1800') Contract #1, MA03-015.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request and award the contract to L. D'Agostini & Sons, Inc., for the 23 Mile Road Sanitary Sewer (North Ave. west 1800') Contract #1, MA03-015 Macomb Township Sections 13, 14 & 23 for the total cost of One Million Two Hundred Seventeen Thousand Nine Hundred Sixteen dollars and 00/100 (\$1,217,916.00) (Base Bid).

MOTION carried.

25. Easement Acquisition for Township Owned Property, 08-20-100-007 for Sanitary Sewer Replacement Project, MA 02-007.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to approve the easement acquisition for Township Owned Property for a Sanitary Sewer Replacement Project, MA 02-007. Permanent Parcel No. 08-20-100-007

MOTION carried.

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26. Easement Acquisition for Township Owned Property, 08-18-400-010 for Water Main Replacement Project, MA 02-022.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by MALBURG seconded by KOEHS to approve the easement acquisition for Township owned property for a water main replacement project, MA 02-022. Permanent Parcel No. 08-18-400-010.

MOTION carried.

27. Award of Bid for Landscape Maintenance Contracts.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the Landscape maintenance contracts and award Universal Lawn Care the contract for maintenance of Township Park(s) property for the total cost of Fifteen Thousand Four Hundred Seventy Five dollars and 00/100 (\$15,475.00). Award Universal Lawn Care the contract for the maintenance of Meter Pit, Lift Stations and Cemetery Township Property for the total cost of Eighty Five dollars and 00/100 (\$85.00) and award Autumn Oaks Landscaping the contract for maintenance of the Township Buildings for the total cost of Thirteen Thousand Nine Hundred Eighty dollars and 00/100 (\$13,980.00).

MOTION carried.

28. Annual Storm Water Discharge Permit Fee, Department of Environmental Quality (DEQ).

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to approve the annual permit fee for storm water discharge to the Michigan Department of Environmental Quality for the total cost of Four Thousand dollars and 00/100 (\$4,000.00).

MOTION carried.

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29. Easement Encroachment Permit, C-21349, City of Detroit Water System (DWSD), Extension of Water Main for Legacy Farms Subdivision # 2.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to authorize the easement encroachment permit, C-21349, City of Detroit Water System (DWSD), extension of water main for Legacy Farms Subdivision #2; Located in area of 22 ½ Mile and Fairchild Roads.

MOTION carried.

30. Request to Revoke Final Grade Bond, Lot 75 Country Club, 56916 St Andrews Drive, MGA Homes Inc.

Tabled for two weeks as recommended by the Township Supervisor.

31. Approval of Purchase Requisitions:
A. Kennedy Industries Inc.
B. SLC Meter Service.
Addition: C. Sanitary Sewer Reimbursement

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the purchase requisition through Kennedy Industries Inc. for Lift station equipment for the total cost of Five Thousand Two Hundred Fifty dollars and 00/100 (\$5,250.00)

MOTION carried.

MOTION by KRZEMINSKI seconded by BUCCI to approve the purchase requisition through SLC Meter Service Inc. for meter reader equipment for the total cost of Three Thousand fifty dollars and 00/100 (\$3,050.00)

MOTION carried.

MOTION by KRZEMINSKI seconded by BUCCI to approve the reimbursement cost involving a sanitary sewer incident creating basement damage for property owners Jerome & Tenny Mannino, 18281 Fernlea, Macomb MI, on February 13,

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**2005, for the total cost Ten Thousand Three Hundred Fifty Eight dollars and
70/100 (\$10,358.70) Permanent Parcel No. 08-32-279-020**

MOTION carried.

BOARD COMMENTS:

32. Supervisor Comments:

A. Request for Authorization to sell the 1996 Pontiac Grand Am

Supervisor BRENNAN reviewed the request submitted by the Township Assessor.

Public Portion: None

**MOTION by KOEHS seconded by MALBURG to approve the request for
authorization to sell a Township Assessing Department 1996 Pontiac Grand Am
vehicle.**

MOTION carried.

33. Clerk Comments:

Addition:

A. Request to Adopt a Resolution; Utica Community Schools
Career Focus

Clerk KOEHS reviewed the request.

**MOTION by KRZEMINSKI seconded by MALBURG to adopt the resolution
supporting Utica Community Schools Career Focus days as follows:**

**FOR THIS MOTION: KRZEMINSKI, MALBURG, BUCCI, DUNN, NEVERS,
KOEHS, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

**Township Of Macomb
County of Macomb
State of Michigan**

Resolution of the Board of Trustees

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, APRIL 13th, 2005
AT 7:00 P.M.

At a regular meeting of the Macomb Township Board of Trustees that was called to order by Supervisor John D. Brennan on Wednesday, April 13, 2005 at 7:00 p.m., the following resolution was offered:

**Utica Community Schools
Career Focus Luncheon May 4-May 5, 2005**

Whereas, the Utica Community Schools Foundation for Educational Excellence is a non-profit organization formed to enhance and enrich the educational opportunities offered to students of all ages, and

Whereas, the UCS Foundation realizes that today's youth are tomorrow's employees and leaders, and

Whereas, the UCS Foundation recognizes that sixth graders need an opportunity to learn about local business and the variety of careers available to them upon graduation from high school, and

Whereas, the Foundation has established the annual CAREER FOCUS Luncheon to meet these goals,

Now Therefore Be It known, that the Macomb Township Board of Trustees applauds the concerns and efforts of the Utica Community Schools Foundation for Educational Excellence in partnership with the Sterling Heights Chamber of Commerce and the Advisor & Source Newspapers,

Be It Further Known that the Macomb Township Board of Trustees proclaims

**May 4 and May 5, 2005
as
"CAREER FOCUS" Days.**

**John D. Brennan
Macomb Twp. Supervisor**

**Michael D. Koehs. CMC
Macomb Twp. Clerk**

RESOLUTION ADOPTED.

34. Treasurer Comments: None

35. Trustees Comments: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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Addition:

EXECUTIVE SESSION:

36. Macomb Township v Stark

This item was removed from the agenda as recommended by Lawrence Dloski, Township Attorney.

ADJOURNMENT:

MOTION by BUCCI seconded by NEVERS to adjourn the meeting at 8:04 p.m.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb